

Docket No. 1255

DFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James F. McGuckin, Jr., et al

Serial No.: 10/696,932

Group Art Unit: 3733

Filed: October 30, 2003

Examiner: Shaffer

For: **Vein Filter**

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Rex Medical, L.P., assignee of the entire right, title and interest in and to the above referenced patent application by virtue of an assignment filed on September 24, 2004, hereby disclaims the term of any patent issued in this case which would otherwise extend past the expiration date of a United States patent issuing from Serial No. 11/219,432, filed September 2, 2005, from Serial No. 10/805,796, filed March 22, 2004, from Serial No. 10/919,825 filed August 17, 2004, from Serial No. 10/638,846 filed August 11, 2003, and from Serial No. 10/697,211, filed October 30, 2003, or extend past the expiration date of U.S. Patent No. 6,783,538, issued August 31, 2004 or U.S. Patent No. 6,793,665, issued September 21, 2004, and agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent Applications and Patents, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of a United States Patent issued from the aforesaid patent applications or the full statutory term of the aforesaid patents in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclosed in whole or

10/26/2006 NGUYEN1 00000039 501567 10696932

01 FC:2814

65.00 DA

terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

This Terminal Disclaimer is signed by an attorney of record. No statement pursuant to 37 C.F.R. §3.73(b) is required in accordance with the November 16, 1993 Official Gazette (1156 O.G.) which states at page 56:

"However, the rules, as adopted, permit an attorney or agent of record to sign a Terminal Disclaimer without the need to comply with §3.73(b)."

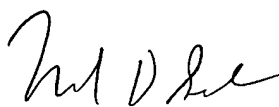
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 8 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge Deposit Account No. 501567 the sum of \$55.00 pursuant to 37 C.F.R. §1.20(d) for filing this Terminal Disclaimer. **TWO (2) COPIES OF THIS SHEET ARE ATTACHED.**

Please charge Deposit Account No. 501567 for any fee deficiency required by this paper. **TWO (2) COPIES OF THIS SHEET ARE ATTACHED.**

Respectfully Submitted,

Dated: 10/24/06

By: 

Neil D. Gershon
Reg. No. 32,225

Rex Medical, L.P.
2023 Summer Street
Suite 2
Stamford, CT. 06905